

Kevin M. Fitzpatrick, Esquire (VSB #30716)
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN RE:)	
)	
SALIM ZAMANI,)	Case No. 17-11618-KHK
)	(Chapter 7)
Debtor.)	
)	
)	
AUTOMOTIVE FINANCE CORPORATION,)	
)	
Plaintiff,)	
)	
vs.)	Adversary No. 1:17-ap-01085
)	Judge: Klinette H. Kindred
SALIM ZAMANI,)	
)	
Defendant.)	

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Plaintiff Automotive Finance Corporation (“Plaintiff”), by counsel and pursuant Rule 55(b) of the Federal Rules of Civil Procedure, made applicable herein by Rule 7055 of the Federal Rules of Bankruptcy Procedure, and Local Rule 7055-1, hereby moves for the entry of a Default Judgment against Defendant Salim Zamani (“Defendant”) for failure to plead or otherwise defend. In support thereof, Plaintiff avers:

1. On August 11, 2017, the Plaintiff filed its *Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. §§ 523(a)(2), 523(a)(4), and 523(a)(6)* (the “Complaint”) against the Defendant.
2. On August 25, 2017, the Court issued an Alias Summons.

3. On August 28, 2017, counsel for Plaintiff served the Alias Summons by U.S. mail on the Defendant; the Defendant's attorney, Amir Raminpour, in his Chapter 7 case (Case No. 17-11618-KHK); and the Trustee in the Defendant's Chapter 7 case. Counsel for Plaintiff filed a Certificate of Service of the Alias Summons on August 28, 2017.

4. Rule 55(b)(2) of the Federal Rules of Civil Procedure authorizes entry of a default against a party for failure to answer or otherwise plead to a complaint.

5. The deadline for the Defendant to answer or otherwise respond to the Plaintiff's Complaint was September 25, 2017. As of the date of this Motion, the Defendant had not answered or otherwise responded to the Plaintiff's Complaint.

6. The Clerk of the Bankruptcy Court entered a default against the Defendant on November 1, 2017.

7. Since no Answer has been filed, the Plaintiff requests that a Default Judgment in the amount of \$358,168.03 be entered in its favor and against the Defendant as demanded in the Plaintiff's Complaint, and that the judgment be deemed nondischargeable pursuant to 11 U.S.C. §§ 523(a)(2), 523(a)(4), and 523(a)(6).

8. In support of this Motion, the Plaintiff incorporates (a) the Declaration of Debt in Support of Plaintiff's Motion for Entry of Default Judgment, and (b) the Affidavit of Kevin M. Fitzpatrick in Support of Plaintiff's Motion for Entry of Default Judgment, attached hereto as Exhibits A and B, respectively.

Date: November 24, 2017

By: /s/ Kevin M. Fitzpatrick
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